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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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### **Board of Boiler Rules**

**National Guard Armory, 14 Minuteman Lane, Wellesley, MA 02481**

**Meeting Minutes of November 4, 2010, 9:30 AM**

#### Board Members Present:

Ed Kawa, Chairman  
Ray Archambault  
Ernest Hall  
Thomas Healy  
Charles Perry

#### Board Members Not Present:

None

#### Guests Present:

Brian Logan, DPS  
Mark Mooney, Liberty Mutual  
Tom O'Rourke, DPS  
Steve Sawyer, Travelers  
Stephen Kapnis, CNA  
Chris Higgins, Travelers  
Mike Robillard, Chubb  
Ted Carroll, DPS  
John Vogt, Simonds International  
Francis Bucchiere, DPS  
Glen Robinson, IISB  
Rich Lavengood, Relco Engineering  
Thomas L. Stanton, Arise  
Paul Logan, SEI  
Holly Bartlett, DPS

1. Meeting called to order by the Chairman at 9:38 AM, followed by roll call.

2. Minutes of previous meeting: As there was not a quorum present for the May 6, 2010 meeting, there are no minutes to be entered for that meeting.
3. Petition for use of non-code vessel, John Vogt, Simonds International. Mr. Vogt and his associate, Richard Lavengood, presented to the Board the request of Simonds International exemption to use a non-code compressed air vessel, and distributed manufacturer specifications and photos of said vessel. It was verified that the vessel is currently in service for use by Simonds International. Following discussion, a motion was made to approve this vessel for continued use in Massachusetts, pending its passage of a general inspection. The motion was seconded, followed by a unanimous vote to approve this request. Per the Chairman, there will be a requirement that a state inspector will perform an inspection, and that if found in satisfactory condition, a certificate will be issued.
4. Petitions for extensions to boiler inspections:
  - a. Fitchburg State College – Request for 60 day extension – *No Action Required*
  - b. Berkshire Power – Request for extension – *No Action Required*
  - c. Mirant Kendall, LLC – Request for 60 day extension (2 units) – *No Action Required*
  - d. Solutia, Inc. – Request for 6 month extension – *No Action Required*
  - e. Brayton Point Station – Request for extension – *No Action Required*
  - f. Pittsfield Generating Corp. LP – Request for 30 day extension – *No Action Required*
  - g. UMass Boston – Request for extension (6 units) – *No Action Required*
  - h. Genzyme Corporation – Request for 6 month extension – *Motion to approve request; motion approved.*
  - i. Taunton Municipal Lighting Plant – Request for 60 day extension (2 units) – *Motion to approve request; motion approved*
  - j. ANP Bellingham Energy Co., LLC – Request for 30 day extension – *Motion to approve request; motion approved.*
  - k. All State Asphalt, Inc. – Request for 60 day extension – *Motion to approve request; motion approved*
  - l. MCI Cedar Junction – Request for extension – *Motion Denied, cannot be approved for additional 6 months.*
5. Public Comments
  - a. Paul Logan, Steam Engineering Institute: Mr. Logan re-presented his previous petition to the Board to amend 522 CMR, revoking Section 202 and parts of Section 15.01. His questions are 1) what is the legal authority for the Board of Boiler Rules to make any rules or regulations telling the duties of state licensed engineers and firemen, and 2) what is the legal authority of the Board of Boiler Rules to make any rules or regulations regarding the repairs or alterations of boilers.
  - b. Steve Sawyer, Travelers: What is the status of the re-write of the CMR? This was addressed by the Chairman, who explained that the process is still continuing, there have been several meetings, giving audience to several public comments, including Mr. Logan's petition. It is the hope of the Board to move forward with promulgation of changes after this meeting.
  - c. Steve Sawyer, Travelers: Is there a way to get a list of current DPS inspectors and their contact information? The Chairman referred Mr. Sawyer to the DPS website. It was pointed out that the list currently posted on the DPS website is out of date. DPS is working on updating the website.
  - d. Steve Sayer, Travelers: Regarding new boiler models being brought into service in Massachusetts, he asked to what extent does DPS get involved with ensuring that new technology being introduced in the field is in compliance with current code. The Chairman acknowledged that this matter had

been addressed at a previous meeting, and that DPS does ensure compliance with 522 CMR. Mr. Sawyer asked if there was a way that DPS could share findings of non-compliant equipment with the insurance industry. The Chairman said that that would occur, and that no instances of this nature had been brought to his attention. Further, the Chairman asked that insurance inspectors who discover such non-compliance also bring this to the attention of DPS.

- e. Tom O'Rourke: Commented that small boilers, under 400K BTU are coming into the state which are not in compliance with CSD-1. He went on to suggest that perhaps the threshold for compliance of 200K BTU in CSD-1 be raised to accommodate these smaller units, which are in compliance with ASME Section 4 (H-Stamp), but not with CSD-1.
  - f. Steve Sawyer asked if the Board had taken any action to meet with the Plumbing Board to discuss issues where licensed plumbers are installing equipment that complies with plumbing code, but boiler inspectors are finding conflict in the code requirements.. The Commissioner responded that that communication had taken place, and that a six-segment series had taken place with the Plumbing Board, resulting in a requirement that municipal plumbing gas inspectors are subject to continuing education. Further, he acknowledged that there are still some conflicting areas that will be addressed with the Plumbing Board in the future, and that Brian Logan from DPS currently sits on that Board. Mr. Sawyer expressed appreciation for those efforts, and asked that DPS do more to communicate activities such as this to other industry professionals, such as the insurance personnel.
  - g. Tom O'Rourke, DPS, made another request to the Board, if possible, post any and all historical rulings made impacting relevant regulations. The Commissioner said that this information is already posted in the form of minutes of all Board meetings, where information concerning rulings could be found. He also said that through the current process of re-writing the regulations, the Board will have to go through previous meeting minutes to identify rulings that have been made, and consider making changes to the regulations in instances where multiple rulings have been made on the same matter.
  - h. Tom O'Rourke, regarding use of spool pieces in turbines, were there any rulings made by the Board in this matter? The Board answered that this was more of a licensing piece which would have been addressed by the DPS.
6. Adjournment – Motion made and seconded, followed by a unanimous vote to adjourn this meeting at 10:35am.
7. Open Meeting Law presentation – Beth McLaughlin, DPS General Counsel, presented the new Open Meeting Law to the Board members, and distributed copies of the new law and applicable

#### Attachments to Minutes:

Applications for Extensions  
Petition presented by Paul Logan  
Open Meeting Law presentation materials